045 LEAVE

045.7 Fitness and Wellness Policy

045.7.1 Purpose

The purpose of this policy is to support Human Services Department (HSD) employees in pursuing a healthy lifestyle, potentially leading to improved job performance, increased work satisfaction, and reduced health care and insurance costs.

045.7.2 Applicability

This policy and these procedures apply to all Human Services Department employees.

045.7.3 Definitions

A. "Administrative leave" is leave not accrued by employees and approved by the Secretary or the Secretary's designee.

B. "Fitness and wellness activities" are activities that promote physical and/or mental wellbeing, including physical exercise (for example, bicycling, walking, jogging, yoga, weight training, swimming, tennis, volleyball, softball and racquetball), health risk appraisals, wellness screenings, fitness testing, mindfulness and meditation exercises, healthy eating classes, nutrition consultation, health behavior change coaching, and smoking cessation classes.

C. "Employee" means a person employed by HSD in a permanent, term, temporary, or emergency situation.

D. "Modified work schedule" means any authorized work scheduled between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday with a minimum 30-minute lunch period between 11:00 a.m. and 2:00 p.m. each day.

045.7.4 Policy

HSD recognizes the benefits of employee health and wellness and supports time for fitness and wellness activities. HSD also recognizes such activities are mutually beneficial to HSD and its employees because they improve productivity, work performance, and morale while reducing absenteeism, turnover and health care costs.

A. Employees may request modified work schedules that permit the employee administrative leave for up to two (2) hours total per week for fitness and wellness

activities.

B. Time needed for travel, taking showers, changing clothes and/or eating lunch must be considered and should be included in the modified work schedule.

C. Employees may elect to forego a scheduled period of fitness and wellness activity. However:

1. missed fitness and wellness time may not be accumulated and taken during subsequent weeks;

2. missed fitness and wellness time may not be added onto fitness and activities during the same work week; and,

3. missed fitness and wellness time may be made up at another time during the same work week provided written approval from supervisors is obtained.

D. Fitness and wellness activities will not be counted toward the earning of Fair Labor Standards Act (FLSA) Overtime or State Compensatory Time.

E. While considering and reviewing requests for participation in the fitness and wellness program, supervisors should maintain adequate coverage to meet HSD business needs, not unfairly shift workloads to other staff members, and incur no additional associated costs to HSD.

F. Supervisors are not required to consider a request for a schedule change to participate in the fitness and wellness program more frequently than every ninety (90) days for any participant. However, schedules may be modified at any time provided all the provisions of the policy are fulfilled and provided employees' supervisors agree to consider and evaluate new requests.

G. Requests to participate in the fitness and wellness program are approved for one (1) year at a time. Requests will be considered each year in January. If an employee's initial request is approved in the middle of a year, the employee must renew the employee's requests the following January.

H. Participants in this program are responsible for notifying their supervisor should they cease to engage, on a regular basis, in their fitness and wellness activities on the days specified on their fitness and wellness request.

I. HSD employees are eligible to participate in this program unless the following criteria apply to them:

1. they are in a temporary or a probationary status (see 1.7.2 NMAC);

2. they have been disciplined in the form of a written reprimand, suspension or demotion within the previous twelve (12) months for excessive absenteeism

or excessive tardiness;

3. they are on a performance development plan; or

4. they have been counseled on excessive absenteeism or tardiness.

J. No part of this policy shall be construed to imply either a requirement of participation in a fitness and wellness activity(ies) or an endorsement of participation in any particular fitness and wellness activity(ies) by employees.

K. As a condition of participating in HSD's approved fitness and wellness activities, employees irrevocably agree to indemnify and hold HSD and the State of New Mexico harmless from any and all liability and waive any claims, including but not limited to workers' compensation, for any and all injuries or illnesses caused by or aggravated by fitness and wellness activities undertaken pursuant to this policy.

L. Participation in the fitness and wellness program is a privilege afforded to employees by HSD and will not take precedence over employees' work responsibilities or HSD workload requirements. Employees' participation in fitness and wellness activities may be temporarily or permanently adjusted by supervisors to accommodate the business needs of HSD or failure of employee to meet eligibility requirements.

045.7.5 Procedures

A. Employees wishing to participate in the program must complete a Request for Participation in Fitness and Wellness Program form. This form can be obtained from the employee supervisor, the Office of Human Resources (OHR) or downloaded from HSD's intranet.

1. The form is available on HSD's intranet under Human Resources > Forms > Employment.

B. Employees must fill out Section A of the form per the form's instructions.

C. When completed, employees must submit forms to their immediate supervisor, Bureau Chief, and Division Director for review and approval.

1. The criteria for supervisors to consider employee requests shall be based on meeting both the business needs of the agency and the individual needs of employees, in a way that the employee's work meets the established level of performance and timeliness, as well as eligibility criteria as stated in this policy and procedure.

2. Once an employee submits the Request to Participate in Fitness and Wellness Program form, the supervisor is expected to reach a

decision and communicate it to the employee in a timeframe not to exceed twenty (20) business days.

D. When all signatures are secured, employees must forward completed forms to OHR.

E. OHR will keep completed and signed forms in the employee's personnel file.

F. Once participation in the program has begun, time taken for the fitness and wellness program is to be entered as administrative leave.

1. When entering time as administrative leave for participation in the fitness and wellness program, employees must enter a comment of "fitness and wellness program" in the comment section of the timesheet, or use the specific time code as may be created in the future for this purpose.

2. Failure to enter this in the comments section of a timesheet could cause that time to not be approved and a reduced paycheck.

3. The privilege of participating in the fitness and wellness program may be revoked for those who continually fail to enter the comment "fitness and wellness program" on timesheets.

045.7.6 References

1.7.2 NMAC (General Government Administration, State Personnel Administration, Classified Service Appointments).
1.7.4 NMAC (General Government Administration, State Personnel Administration, Pay).

045.7.7 Attachments

Request to Participate in Fitness and Wellness Program form.

APPROVED: DATE:

David R. Scrase, M.D., Cabinet Secretary

9/24/19